IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT APPEAL Nos : 94 and 110 of 2005 and

WRIT PETITION No.20039 OF 2004

WRIT APPEAL NO.94 OF 2005:

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/12/2004 in W.P.M.P.No.26257 of 2004 in WP NO : 20039 of 2004 on the file of the High Court.)

Between:

1 Osmania University, rep., by its Registrar, Hyderabad.
2 The Assistant Registrar (Pre-Audit), Osmania University,

Hyderabad.

..... APPELLANTS

AND

Dr.Smt.A.Nagamani, Associate Professor,
Department of Botany, Post Graduate College of Science (OU),

Saifabad, Hyderabad-500 004.

.....RESPONDENT

WRIT APPEAL NO : 110 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/12/2004 in W.P.M.P.No.29587 of 2004 in WP NO : 20039 OF 2004 on the file of the High Court.)

Between:

1 Osmania University, rep., by its Registrar, Hyderabad.
2 The Assistant Registrar (Pre-audit), Osmania University,

Hyderabad.

..... APPELLANTS

AND

Dr.Smt.A.Nagamani, Associate Professor,
Department of Botany, Post Graduate College of Science (OU),
Saifabad, Hyderabad-500 004.

.....RESPONDENT

Counsel for the Appellants: MR.DEEPAK BHATTACHARJEE

Counsel for the Respondent: MR.A.RAMALINGESWAR RAO

WRIT PETITION NO : 20039 of 2004

Between:

Dr. (Mrs) A. Nagamani,

Associate Professor,
Department of Botany, Post Graduate College of Science (O.U)
Saifabad, Hyderabad - 500 004.

..... PETITIONER

AND

1 Osmania University, University Campus, Hyderabad,

Rep. by Registrar.
2 The Assistant Registrar (Pre-audit), Osmania University,

University Campus, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue any appropriate Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the proceedings of the 1st Respondent No. 3884/193/89/Adm-1-1 dated 22-9-2004 as illegal and void and consequently declare that the Petitioner is entitled to be promoted as Lecturer (Senior Scale) with effect from 12-6-1994 and as Associate Professor with effect from 27-7-1998 and entitled to all the benefits as such.

Counsel for the Petitioner: MR.A.RAMALINGESWAR RAO

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE

The Court made the following Order:(per Hon'ble SAR, J)

These Writ appeals are filed by the University, which is the respondent in the writ petition, aggrieved by the interim orders dated 15-12-2004 of a learned single Judge

of this Court.

At the time of hearing of the writ appeals, it is agreed by both the learned counsel that the main writ petition itself can be disposed of along with the Writ appeals.

The University passed the impugned order changing the date of promotion of the respondent/writ petitioner as Associate Professor in Botony. According to the University, the extra-ordinary leave period availed on personal grounds by the respondent/writ petitioner was not deducted by mistake, though a decision has been taken at the syndicate level to exclude such period. But, however, it is admitted that the impugned order dated 22-09-2004 was passed by the University without issuing any show cause notice and opportunity to the respondent/writ petitioner.

On that simple ground of violation of principles of natural justice, the impugned order is set aside. However, it is left open to the University, if it so chooses to take appropriate action, it can do so after giving a show cause notice and after considering the explanation, if any, to be submitted by the respondent/petitioner.

The writ appeals and the writ petition are accordingly disposed of. No costs.

(T.MEENA KUMARI, J)

(S.ANANDA REDDY, J)

DATED:27-01-2005

vs/lvl

To

1 The Registrar, Osmanai University, Hyderabad.
2 The Assistant Registrar (Pre-audit), Osmania University,

Hyderabad.

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